Remarks/Arguments

Claims 1-4 and 19 are currently pending in the subject application, and are presently under consideration. Claims 1-4 and 19 stand rejected. Claims 1 and 19 have been amended. Reconsideration of the above-identified patent application in view of the following amendments and remarks is respectfully requested for at least the following reasons.

Applicant appreciates the courtesy of an Examiner's interview extended by Examiners Bach T. Dinh and Kaj Olsen to Michael R. Steel (Reg. No. 56,752) on December 16, 2008. During the Interview, the differences between the subject matter of the claims and the references were discussed. Although no specific agreement was made as to the allowability of the present Application, Examiner Olsen did indicate that if the claims were amended to recite a particular flow path that differed from the cited art, the claims might be allowable. Thus, claims 1 and 19 were amended to reflect this.

Claims 1 and 2 of the present application stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,866,757 to Gilmore ("Gilmore") in view of U.S. Patent Pub. No. 2002/0185446 to Johnny ("Johnny"). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claim 1 has been amended to recite a control assembly for an electrocoagulation cell comprising a plurality of electrodes. Releasable connection means are included between at least a selection of the electrodes. The connection means includes an elongate busbar which is arranged normal to respective top

edges of each electrode in plan view and above the top edges. The elongate busbar extends through a notch, slot or aperture located in individual tabs which each extend upwardly from an adjacent top edge of each electrode. The busbar is spaced from the top edges of each electrode so as to avoid contact with liquid contained in the electrocoagulation cell in use as well as a plurality of fasteners attached to the busbar whereby each fastener abuts or is located closely adjacent to an adjoining surface of each electrode, thereby defining a substantially linear flow path through the electrocoagulation cell. Electrical connection means are attached to the busbar at each end thereof. The electrical connection means is connectable to a power supply.

The amendments to claim 1 are supported by at least the second paragraph on page 6 of the Specification, as well as FIG. 1 of the present Application. Specifically, FIG. 1 illustrates an arrow at the bottom of the page that depicts the direction of flow through the illustrated electrocoagulation cell. Additionally, the second paragraph of page 6 discloses that a conductive solution is caused to flow between electrodes 2 at different potentials. Thus, Applicant's representative respectfully submits that the present Application supports the amendments to claim 1.

Gilmore taken in view of Johnny does not make amended claim 1 obvious. Gilmore taken in view of Johnny does not teach or suggest that releasable connection means includes a busbar spaced from top edges of each electrode so as to avoid contact with liquid contained in an electrocoagulation cell in use as well as a plurality of fasteners attached to the busbar whereby each fastener abuts or is

located closely adjacent to an adjoining surface of each electrode, thereby defining a substantially linear flow path through the electrocoagulation cell, as recited in claim 1 (emphasis added). During the above mentioned Interview, the Examiners held that it would have been obvious to modify Gilmore such that plates 36 illustrated in FIG. 6 of Gilmore were rotated 180 degrees, and that the modified entire structure be laid on it side. However, the plates 36 and 38 illustrated in FIG. 6 of Gilmore are employed to provide the reaction chamber 12 disclosed in FIGS. 7 and 8 of Gilmore (See e.g., Gilmore, Col. 8, Lines 21-24), which has a sinuous (i.e., serpentine) flow path, which causes a turbulent flow through the reaction chamber 12. Conversely, amended claim 1 recites that releasable connection means define a substantially linear flow path. Moreover, Gilmore explicitly discloses that the turbulent flow improves the efficiency of the disclosed electrocoagulation process and helps to clean the electrode surfaces (See Gilmore, Col. 11, Lines 4-27). Thus, it would not have been obvious to combine and modify the teachings of Gilmore with Johnny (or any other reference) to read on amended claim 1.

Furthermore, in rejecting claim 1, the Office Action contends that electrical connectors 30 and 32 disclosed in Johnny correspond to the busbar recited in claim 1 (See Office Action, Page 4). Applicant respectfully disagrees. In contrast to the busbar recited in amended claim 1, the electrical connectors 30 and 32 disclosed in Johnny are not above top edges of electrodes. Instead, the electrical connectors 30 and 32 disclosed in Johnny appear to extend through apertures located in a body (i.e., interior) of the electrode plate 42, conducting spacers 36 and insulating spacers 37 (See Johnny, Par. [0076] and FIG. 8). Applicant respectfully submits that an

elongate busbar arranged normal to respective top edges of each electrode in plan view and above the top edges, as recited in claim 1, provides specific advantages not realized by Johnny (or Gilmore). As shown in FIGS. 3a-3b of the Specification, arranging a busbar above the edges of electrodes 2 provides for easy lifting of the entire electrode assembly 6 from an electrocoagulation cell, which in turn can provide for efficient maintenance of the electrode assembly 6 and/or the electrocoagulation cell. Specifically, once removed, the electrode assembly 6 can be cleaned, inspected in a maintenance check, and reinserted into the electrocoagulation cell. Alternatively, a different electrode assembly 6 could be inserted into the electrocoagulation cell as well.

Moreover, the busbar recited in claim 1 extends through a notch, slot or aperture located in individual tabs that extend upwardly from an adjacent top edge of each electrode. In rejecting claim 1, the Office Action fails to cite any structure or process in either Gilmore or Johnny that reads on the notch, slot or aperture located in individual tabs (through which the busbar extends). Applicant respectfully submits this is because nothing in Gilmore or Johnny teaches or suggests this feature of amended claim 1. In particular, electrodes 42 and 43 disclosed in Johnny do not include a notch, slot or aperture, in contrast to the individual tabs that extend upwardly from an adjacent top edge of an electrode, as recited in claim 1. Accordingly, Gilmore taken in view of Johnny does not teach or suggest the busbar recited in amended claim 1.

For the reasons stated above, Gilmore taken in view of Johnny does not teach or suggest the releasable connection means recited in claim 1. Since the Office

Action fails to provide any other evidence sufficient to establish a *prima facie* case of obviousness with respect to claim 1, Applicant respectfully submits that claim 1 is patentable.

Claim 2 depends from amended claim 1 and is patentable for at least the same reasons as amended claim 1, and for the specific elements recited therein. Accordingly, claim 2 is patentable.

Claims 3-4 of the present application stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gilmore in view of Johnny and in further view U.S. Patent No. 6,325,916 to Lambert et al. ("Lambert"). Claims 3-4 depend either directly or indirectly from claim 1 and are patentable for at least the same reasons as amended claim 1, and for the specific elements recited therein. In rejecting claims 3 and 4, the Office Action cites Lambert solely for Lambert's disclosure of a power lead (See Office Action, Pages 5-6). However, the addition of Lambert does not make up for the aforementioned deficiencies of Gilmore taken in view of Johnny with respect to amended claim 1, from which claims 3-4 depend. Accordingly, claims 3-4 are patentable, and withdrawal of the rejection of claims 3-4 is respectfully requested.

Claim 19 of the present application stands rejected under 35 U.S.C. §103(a) as being unpatentable over Gilmore in view of Johnny. Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claim 19 has been amended in a manner similar to amended claim 1. Claim 19 recites a control assembly for an electrocoagulation cell. A plurality of electrodes forming both at least positive electrodes and negative electrodes are included. A releasable connection means between at least a selection of the

electrodes is included. The releasable connection means include a first elongate busbar and a second elongate busbar. Both the first elongate busbar and the second elongate busbar are arranged normal to respective top edges of each electrode in plan view and extend above the top edges. There is provided a first notch, slot or aperture located in first tabs which each extend upwardly from an adjacent top edge of each positive electrode for supporting the first elongate busbar. There is also provided a second notch, slot or aperture located in second tabs which each extend upwardly from an adjacent top edge of each negative electrode for supporting the second elongate busbar. Both the first elongate busbar and the second elongate busbar are spaced from the top edges of each electrode so as to avoid contact with liquid contained in the electrocoagulation cell in use as well as a plurality of fasteners attached to each busbar. In plan view, each of the first and second elongate busbars are substantially parallel to each other. Each fastener abuts or is located closely adjacent to an adjoining surface of each electrode and whereby each of the first tabs and each of the second tabs have a staggered formation or are offset from each other thereby defining a substantially linear flow path through the electrocoagulation cell. Electrical connection means are included and attached to both the first and second busbars at each end thereof which in use is connectable to a power supply.

For reasons similar to those discussed above with respect to amended claim 1, Gilmore taken in view of Johnny fails to teach or suggest releasable connection means that define a substantially linear flow path through an electrocoagulation cell, as recited in amended claim 19. Additionally, Gilmore taken

in view of Johnny fails to teach or suggest that each of first and second tabs are offset from each other or have a staggered formation in plan view, as recited in claim 19. In rejecting claim 19, the Office Action has not identified any structure or process that reads on this feature of claim 19. Thus, Gilmore taken in view of Johnny fails to teach or suggest the releasable connection means recited in amended claim 19. Additionally, since the Office Action fails to cite any other evidence sufficient to establish a *prima facie* case of obviousness with respect to claim 19, amended claim 19 is patentable.

In view of the foregoing, it is respectfully submitted that the above-identified patent application is in condition for allowance, and allowance of the above-identified patent application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,

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